

## **EXHIBIT 13**

### **Excerpts from Deposition Transcript of Carol L. Folt**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
CIVIL ACTION NO. 1:14-CV-00954-LCB-JLW

STUDENTS FOR FAIR  
ADMISSIONS, INC.,

Plaintiffs,

vs.

UNIVERSITY OF NORTH  
CAROLINA, et al.,

Defendants.

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DEPOSITION  
OF  
CAROL LYNN FOLT

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TAKEN AT THE OFFICES OF:  
UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL  
222 East Cameron Avenue  
110 Bynum Hall  
Chapel Hill, NC 27514

05-31-17  
8:32 A.M.

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1 is sufficient to make an admissions decision?

2 A. I think it's a -- it's part of that  
3 student's decision. I think we allow students to  
4 have that opportunity to use that information, and  
5 I think it's part of the many ways we look at --  
6 at students' background, you know, one of I don't  
7 know how many exactly, 40 or so different  
8 criteria.

9 Q. And is it your testimony -- strike that.

10 Did you -- did you testify earlier that  
11 the University sees a benefit to the student body  
12 from its use of race in the admissions process?

13 MR. SCUDDER: Object to the form.

14 A. I testified that we are trying to -- we  
15 believe that there's strong educational benefits  
16 to diversity and that includes in the many ways we  
17 look at diversity, socioeconomic status, first  
18 generation, transfer students, where you came  
19 from, your race, your ethnicity, your religion.  
20 You know, I think we're -- we're trying to create  
21 a situation where students learn in and are part  
22 of the diverse, complex world.

23 We're also very interested in making  
24 sure that our educational benefits are available  
25 to students from the state of North Carolina so

1       that all students in the state of North Carolina  
2       have access to that kind of education if they have  
3       the qualifications to be successful here and --  
4       and are admitted through our process.

5           Q.     (Mr. Strawbridge) And when you refer to  
6       the benefits of diversity, is there a specific  
7       benefit associated with racial diversity in your  
8       view?

9           A.     I think it's one of many different  
10      perspectives and backgrounds and differences that  
11      people bring, so I do think that diversity in  
12      general with all those criteria is really  
13      important. And I do think that we have a real  
14      obligation to try to understand and create  
15      educational experience that is going to maximize  
16      the benefit for all of our students, and that's  
17      exposure and interaction across the broad spectrum  
18      of difference and diversity that makes up not only  
19      the world that they come from but the world where  
20      they're going to be citizens or the world in which  
21      they're going to get jobs where these are  
22      absolutely important aspects of their experience  
23      and background that will make them successful.

24          Q.     Can you separate out the benefit that  
25      comes from racial diversity from the benefits of

1 the broader diversity you're talking about  
2 socioeconomic, political, religious?

3 MR. SCUDDER: Objection to the  
4 form. Go ahead.

5 A. I think it's part of those. It's very  
6 -- it's an important part of those. We have a  
7 world in which questions of race and difference  
8 and socioeconomic political perspectives are some  
9 of the most important issues facing our students.  
10 And I absolutely think it's a critical part of  
11 their understanding and being a part of the world,  
12 is that they have an opportunity to learn in and  
13 be a part of a world that really represents the  
14 broad range of diversity that they're going to  
15 experience, people from those backgrounds,  
16 religions, ethnicities, you know -- you know,  
17 educational opportunity. I think that's one of  
18 the most important things, and our -- our  
19 experience shows that it's really positive for  
20 people.

21 Q. (Mr. Strawbridge) So -- so is your  
22 testimony, yes, there is a specific benefit that's  
23 associated with racial diversity apart from the  
24 other types of diversity?

25 MR. SCUDDER: Object to the form.

1           A.    You know, my testimony is that I think  
2           all those forms of diversity are extremely  
3           critical, race being one of them.

4           Q.    (Mr. Strawbridge) So do you -- so you  
5           think that there is a -- there is a benefit that  
6           is specific to racial diversity?

7           A.    I think that it's important to have  
8           racial diversity, ethnic diversity, religious  
9           diversity. I don't think that there is a single  
10          form, even within any of those categories that  
11          brings the full educational benefits. It's the,  
12          you know, accumulation of the whole that creates  
13          that kind of exciting environment for learning  
14          that we think is so critical.

15          Q.    And what is the specific benefit, in  
16          your mind, that arises from racial diversity?

17          A.    Well, again, I think there's many  
18          different benefits that come from aspects that  
19          people bring to the -- to the table. You know, I  
20          -- you know, I've not -- I guess I think that --  
21          I'll start with myself. I think I am a woman. I  
22          think when I come to the table I bring a whole  
23          lifetime of experiences of people responding to me  
24          as a woman.

25                   I think when a person of a particular

1 race comes to the table, they bring a whole  
2 lifetime of experiences of people responding to  
3 them based on what they see. That's just one of  
4 many different opportunities and differences that  
5 they bring for perspective but I think it's pretty  
6 clear.

7 Q. And -- and what do you think is pretty  
8 clear?

9 A. That people have different experiences  
10 based on where they live, what their wealth is,  
11 what they look like, how they're perceived and  
12 responded to by other people, the issues that are  
13 important to them. I mean all of those are  
14 important, and I just think that they go together,  
15 that it's that holistic approach that's really  
16 important and that race is an important part of  
17 that.

18 Q. And so -- and so what -- I guess I'm  
19 still trying to understand what exactly is the  
20 educational benefit that comes from racial  
21 diversity by itself ---

22 MR. SCUDDER: Objection ---

23 Q. (Mr. Strawbridge) --- besides the other  
24 types of diversity?

25 A. Well, I can't really extract a single

1       one. I -- I don't -- I think that they come from  
2       the holistic. You know, we really believe and I  
3       believe, personally, that it's about a person.  
4       You know, I think I've talked about this many  
5       times.

6               Every person walks a different path and  
7       it's the accumulation of those differences that  
8       come and part of those are identified by who they  
9       are, their -- how they identify their race, their  
10      ethnicity, their background and they bring that  
11      perspective. That perspective is one of the most  
12      important educational benefits that we offer.

13             It brings chance for debate,  
14      cross-fertilization of ideas. It brings an  
15      incredible opportunity for people to understand.  
16      I believe it's really important to try to  
17      understand what it's like to walk in somebody  
18      else's shoes. That's a -- creates empathy. It  
19      creates understanding. It also really helps  
20      improve problem solving.

21             You know, these are all what someone  
22      brings, and it doesn't extract to a single metric.  
23      But each one of those is very important.

24             Q.    What is, in your view, the level of  
25      racial diversity that's required to realize the

1 benefit associated with racial diversity?

2 A. You know, I don't think there is a  
3 single -- there isn't a -- I think it's a  
4 qualitative experience. I don't think there's a  
5 single number. What we try to achieve by these  
6 metrics of diversity, I think it's really  
7 important, is that we try to achieve a place where  
8 people have an opportunity to learn cross-exchange  
9 of ideas, problem solving.

10 It has to create and be taking place in  
11 an environment where people are comfortable.  
12 They're able to work together. They can have  
13 understanding. They're not being isolated.  
14 There's so much evidence that shows that when  
15 people are feeling very stressed in their  
16 environment, they don't succeed as well. You  
17 know, there's many, many things we could talk  
18 about that, but there's not a single number. You  
19 know, we -- we assess this in many different ways.

20 Q. If the University's -- if the  
21 University's -- if the University student body was  
22 88 percent white, would that be sufficient racial  
23 diversity to promote this -- this understanding  
24 and learning benefit that you've identified?

25 A. Well, again, I wouldn't go to a

1 of attributes that makes them who they are."

2 Did I read that correctly?

3 A. Yes.

4 Q. And when you refer to diversity that  
5 enhances learning, fosters discovery, and  
6 strengthens service -- I should say when this  
7 report refers to those concepts, that includes  
8 racial diversity?

9 A. It does.

10 Q. Okay. And do you -- and this -- this  
11 report goes on at the end to say that learning,  
12 discovery, and service require other resources.  
13 And it lists some, intellect, integrity, capacity  
14 for hard work.

15 And then it says, "But none would  
16 flourish without diversity and inclusion and the  
17 benefits that the two taken together provide."

18 Did I read that correctly?

19 A. Yes.

20 Q. And it's your -- is it your testimony  
21 that learning, discovery, and service would not  
22 flourish without racial diversity and inclusion?

23 MR. SCUDDER: Object to the form,  
24 but go ahead.

25 A. I would say that learning, discovery,

1       and service are all enhanced, as it says, by the  
2       whole aspect of diversity.

3           Q.     (Mr. Strawbridge) And, in fact, the  
4       next one talks about the fact that they're  
5       "mutually reinforcing pillars of our mission to  
6       achieve academic excellence and to prepare  
7       graduations to -- graduates," I'm sorry, "to  
8       succeed and lead."

9                   Did I read that correctly?

10          A.     Yes, you did.

11          Q.     Okay. And so this -- is this suggesting  
12       that racial and diversity are essential for -- to  
13       academic excellence?

14          A.     I think it is suggesting that diversity  
15       in its forms, including racial, are mutually  
16       reinforcing pillars of our mission to achieve  
17       academic excellence and preparing graduates to  
18       succeed and lead.

19          Q.     And do you think that there is a level  
20       of racial diversity that is necessary in order to  
21       achieve academic excellence?

22          A.     Are you asking me what you mean by --  
23       can I -- can you just clarify for me by what you  
24       mean by a level?

25          Q.     There -- that there is some -- there is

1       today about the many ways in which the University  
2       sort of recognizes diversity, correct?

3           A.    Yes, I have.

4           Q.    And this, for example, starts off by  
5       saying, "This focus often leads us to describe  
6       diversity in terms of background, belief, and  
7       experience."

8                   Did I read that correctly?

9           A.    It's part of a sentence, correct.

10          Q.    Right.  So that sentence -- so -- so  
11       when this report talks about background, what --  
12       what sort of things is it talking about?

13          A.    Well, of course, that sentence is much  
14       longer than the way you said it.  It was  
15       "background, belief, experience, socioeconomic  
16       status, race, ethnicity, veteran or military  
17       status, physical ability, sexual orientation, sex,  
18       gender, gender identity or gender expression."  So  
19       in that context, I don't know that it has a  
20       specific statement but that could be also where  
21       you were born, where your parents came from.  You  
22       know, it can be many of those things that wouldn't  
23       be described by those other characteristics or it  
24       could be the combination of all of them.

25          Q.    Yeah, that's -- I guess that's what ---

1           A.    Yeah.

2           Q.    --- I'm trying to get at.  And I see  
3           there's just a list separated by semicolons so I  
4           assume that each of these things is kind of its  
5           own category.  Is that ---

6           A.    Well ---

7           Q.    --- your understanding?

8           A.    No, actually, you couldn't possibly  
9           separate.  They're all interwoven.  I think we say  
10          that a number of places that they all -- they're  
11          mutually -- they're -- they're all tangled or they  
12          all have influence on each other.  So we use that  
13          long list because they're all important but we  
14          don't extract any one of them and say it has a set  
15          -- a single set of attributes to it.

16          Q.    So, I mean, I guess ---

17          A.    Like that, yes.

18          Q.    I guess is there a diversity of  
19          background other than what -- what follows on this  
20          list that the University often describes when it  
21          describes diversity.

22          A.    Well, I think we think about diversity  
23          of background just within the state of where  
24          people -- where they come from.

25          Q.    In terms ---

1           A.     Rural versus urban; mountain versus  
2     ocean. I mean there's -- that would just be one  
3     sense of background. There's, you know again,  
4     many different aspects of a person's background I  
5     think that could go in there.

6           Q.     And do you think that the -- the  
7     admissions process takes those -- those  
8     distinctions into account?

9           A.     I think they consider that as part of  
10    the description of who they came from, where they  
11    were, sure.

12          Q.     Do you think that the University  
13    admissions office does any reporting on rural  
14    versus urban students?

15          A.     You know, I -- I don't know that they do  
16    that in a formal way. I mean, I'm always  
17    interested, for instance, we're a public  
18    university. Are our students coming from across  
19    the state. So again, you know, you could find  
20    that out. I don't think they have a formal report  
21    that produces that ---

22          Q.     Do ---

23          A.     --- but -- but I don't know.

24          Q.     Do you think that would be something  
25    that would be important to track during the

1 information that the University should track  
2 during the admissions process to make sure it's  
3 obtaining diversity in terms of veteran or  
4 military's representation in the student body?

5 A. I think, again, I don't know whether we  
6 track that during that status of that. Again,  
7 it's a self-reported status so students can choose  
8 to report it. I'm very excited and interested in  
9 making sure that our military and veterans are  
10 able to apply and succeed here. But I have no  
11 idea how it's tracked during admissions.

12 Q. Do you think, for example, military  
13 veteran status is essential to the -- to the  
14 educational benefits of diversity described in  
15 this report?

16 A. I think it certainly increases the  
17 educational benefits of diversity.

18 Q. Do you think that the University would  
19 -- would -- do you think there's a certain level  
20 of veteran or military representation that's  
21 necessary to realize the educational benefits of  
22 diversity?

23 A. I don't have a specific quantitative  
24 number, but I think it really enhances the  
25 diversity and the lived experience of our

1 students.

2 Q. The next -- the next line is physical  
3 ability.

4 A. Uh-huh (yes).

5 Q. Is that referring to whether or not  
6 somebody has a disability or not?

7 A. I think it's primarily referring to  
8 that.

9 Q. Okay. Do you know whether or not the  
10 admissions process tracks the applicants who have  
11 disabilities as part of the decision as to ---

12 A. I don't know what the admissions office  
13 tracks.

14 Q. Okay. Do you know whether or not there  
15 are any reports prepared by the Office of  
16 Diversity and Inclusion, formerly the Office of  
17 Diversity and Multicultural Affairs, that track  
18 the level of diversity by physical disability on  
19 campus?

20 A. I don't know if they track that.

21 Q. Okay. Do you recall ever seeing or  
22 reviewing any other reports that track the level  
23 of disability representation on campus?

24 A. You know, I really don't recall.

25 Q. Is there a certain level of physical

1           A.    I think we're -- you know, again, I  
2           think we benefit from the diversity that comes  
3           with having, I'm just going to say sex, males and  
4           females or gender identity, gender expression,  
5           sexual orientation, veteran status. I think all  
6           of those go into creating the assemblage of people  
7           that are going to make this University really  
8           thrive and produce a -- great education outcomes  
9           for our students.

10          Q.    (Mr. Strawbridge) For purposes of  
11          achieving the educational benefits of diversity,  
12          is any one item on this list more important than  
13          the other?

14          A.    I think they're all important.

15          Q.    Do you think they're all equally  
16          important?

17          A.    I don't have a -- I -- I can't really  
18          say in any kind of quantitative scale which is  
19          more important than the other. They're all  
20          important.

21          Q.    And do you think they're -- so -- so  
22          you're unable to say that any one of these is more  
23          important than the other?

24          A.    I think they're all important.

25          Q.    And you can't -- you can't say whether

1           any one is more important than the other?

2                           MR. SCUDDER:  Objection; asked and  
3           answered.

4           A.    I think they're all important.

5           Q.    (Mr. Strawbridge)  So if, for example,  
6           you -- you know that -- if I understand your  
7           testimony, your testimony is not that race and  
8           ethnicity is more important than any of the other  
9           types of diversity listed here.

10          A.    What I'm saying is that all of these are  
11          important.  They help create an institution that  
12          is a great place for students to go and to learn.  
13          They're used in different ways.

14          Q.    Does the University prioritize racial  
15          diversity over any other type of diversity?

16          A.    I don't have any -- you mean in the  
17          admissions process?  I don't think so, but I don't  
18          have any direct involvement in that.

19          Q.    Apart from the admissions process,  
20          you're the -- you're the CEO of the University,  
21          correct?  That's what you testified.  The  
22          chancellor is the CEO of the University, right?

23          A.    Yes.

24          Q.    Okay.  So as CEO of this University, do  
25          you think that racial diversity is any more

1       important than the other items on this list in  
2       obtaining the educational benefits of diversity  
3       referred to in this report?

4           A.     I think everyone of these  
5       characteristics is important and I'd want to be  
6       sure that students were feeling they had the  
7       freedom to express any one of these aspects of  
8       their identity, that that could be part of what  
9       they're doing, that we're providing the support  
10      necessary for them to thrive.

11           And I think in every single case it's  
12      very much an individual situation. So I think  
13      they're all -- I think they're all important. And  
14      I do think race and ethnicity is important.

15           Q.     But the -- but I just want to make sure  
16      I understand your testimony. Your testimony is  
17      that it's not more important than any of these  
18      other factors?

19           MR. SCUDDER:  Objection.  It's been  
20      asked and answered a few times, Patrick.

21           MR. STRAWBRIDGE:  No, I don't think  
22      it has been.

23           MR. SCUDDER:  I -- I ---

24           MR. STRAWBRIDGE:  She said they're  
25      all important.  She hasn't said -- I'm asking her

1 to say whether race or -- or race or ethnicity is  
2 any more important.

3 MR. SCUDDER: For the fourth ---

4 MR. STRAWBRIDGE: It's a different  
5 question.

6 MR. SCUDDER: For the fourth time  
7 you've asked her. If you can answer, you can  
8 answer for the fifth time.

9 A. I believe that they're all important.

10 Q. (Mr. Strawbridge) Do you think that the  
11 University's Office of Diversity and Inclusion  
12 places more importance on any one of these factors  
13 compared to the others?

14 A. No, I don't. I think they're really  
15 trying very hard to be an office that really does  
16 meet the idea of diversity and inclusion, which is  
17 to take these various aspects of people's  
18 background, the way they choose to describe  
19 themselves, and make the institution secure in a  
20 belief that it's offering the educational benefits  
21 of diversity to everyone on campus.

22 Q. Do you think that the admissions office  
23 places any greater priority on one of these  
24 factors compared to the others?

25 A. I don't know.

1           Q.    What about STEM majors; are you familiar  
2           with any efforts to measure the -- the racial  
3           diversity in students who have declared an  
4           interest in majoring in science, technology,  
5           engineering, or math?

6           A.    You know, that's something people do at  
7           the national level, but I don't know what has been  
8           done here.

9           Q.    Do you think it's important that UNC  
10          achieve racial diversity in the classroom level?

11          A.    I think it's important that we have the  
12          -- that the benefits of diversity happen very  
13          clearly in the classroom role. I think that's  
14          where we go through the teaching of students of  
15          working across difference, achieving the benefits  
16          of having different opinion, coming from different  
17          backgrounds, approaching problems from very  
18          different perspectives. Learning how to work in  
19          teams, probably the single biggest factor  
20          effecting workforce success in the future is that.  
21          So I think all of those are very critical in the  
22          classroom.

23          Q.    But what effort do you make to measure  
24          the level of diversity in the classroom?

25          A.    I don't know what they do to quantify it